

[First Reprint]

**SENATE, No. 2188**

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**STATE OF NEW JERSEY**  
**215th LEGISLATURE**

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INTRODUCED SEPTEMBER 20, 2012

**Sponsored by:**

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**Assemblyman DANIEL R. BENSON**

**District 14 (Mercer and Middlesex)**

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**Senators Sweeney, Whelan, Greenstein, Rice, Scutari, Turner, Cunningham, Assemblywoman Vainieri Huttie, Assemblyman Albano and Assemblywoman Caride**

**SYNOPSIS**

Requires employer notification when relocating call center services outside the United States.

**CURRENT VERSION OF TEXT**

As reported by the Senate Labor Committee on December 17, 2012, with amendments.

(Sponsorship Updated As Of: 6/21/2013)

1 AN ACT concerning the relocation of call centers and  
2 supplementing chapter 21 of Title 34 of the Revised Statutes.

3  
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
5 *of New Jersey:*

6  
7 1. This act shall be known and may be cited as the “Save New  
8 Jersey Call Center Jobs Act.”

9  
10 2. For the purposes of this act:

11 “Call center” means a facility or other operation whereby  
12 workers receive telephone calls or emails or other electronic  
13 communication for the purpose of providing customer assistance or  
14 other service.

15 “Commissioner” means the Commissioner of Labor and  
16 Workforce Development.

17 “Employer” means any business entity that employs 50 or more  
18 full-time workers or 50 or more workers that in the aggregate work  
19 at least 1,500 hours per week, excluding overtime hours, for the  
20 purpose of staffing a call center.

21  
22 3. a. Any employer that relocates a call center, or transfers one  
23 or more facilities or operating units comprising at least 30 percent  
24 of a call center’s total operating volume of telephone calls, emails,  
25 or other electronic communications when measured against the  
26 previous 12 month average volume of those operations, from the  
27 State of New Jersey to one or more foreign countries shall notify  
28 the commissioner at least <sup>1</sup>~~120~~ 90<sup>1</sup> days prior to the relocation or  
29 transfer of operations.

30 b. Any employer that violates the notification requirement  
31 pursuant to subsection a. of this section shall be subject to a civil  
32 penalty in an amount not to exceed <sup>1</sup>~~\$10,000~~ \$7,500<sup>1</sup> for each  
33 day the employer fails to provide the notification, collectible by the  
34 commissioner in a summary proceeding pursuant to the “Penalty  
35 Enforcement Law of 1999,” P.L.1999, c.274 (C.2A:58-10 et seq.).  
36 The commissioner shall have the authority to waive this penalty.

37 c. Nothing set forth in this act shall be construed as creating,  
38 establishing, or authorizing a private cause of action by an  
39 aggrieved person against an employer who has violated, or is  
40 alleged to have violated, subsection a of this section.

41  
42 4. The commissioner shall compile and maintain a list of all  
43 employers that provide notification pursuant to subsection a. of  
44 section 3 of this act. The commissioner shall update the list on a

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is  
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Senate SLA committee amendments adopted December 17, 2012.

1 monthly basis and an employer shall remain on the list for a period  
2 not to exceed <sup>1</sup>~~two years~~ 35 months<sup>1</sup> after each instance of  
3 notification pursuant to subsection a. of section 3 of this act. The  
4 commissioner shall make the list of employers available to the  
5 public and prominently display a link to the list on the Internet  
6 website of the Department of Labor and Workforce Development.

7  
8 5. a. Notwithstanding any other provision of law, rule, or  
9 regulation to the contrary, an employer that is added to the list  
10 compiled and maintained by the commissioner pursuant to section 4  
11 of this act shall be ineligible to receive any direct or indirect State  
12 grant, guaranteed loan, tax benefit, and any other financial support  
13 for the <sup>1</sup>~~two years~~ 35 months<sup>1</sup> following the date upon which the  
14 employer is added to the list<sup>1</sup>, except that the employer's inclusion  
15 on the list shall not prevent the employer from receiving any grant  
16 to provide training or other employment assistance to individuals  
17 who are members of specific groups selected as being in particular  
18 need of training or other employment assistance, including, but not  
19 limited to, veterans, minority groups and women<sup>1</sup>.

20 b. An employer that is added to the list compiled and  
21 maintained by the commissioner pursuant to section 4 of this act  
22 shall remit to the appropriate governmental entity the unamortized  
23 value of any direct or indirect State grant, guaranteed loan, tax  
24 benefit, and any other financial support provided to the employer by  
25 the State governmental entity<sup>1</sup>, except that the employer's inclusion  
26 on the list shall not require the employer to remit any portion of a  
27 grant to provide training or other employment assistance to  
28 individuals who are members of specific groups selected as being in  
29 particular need of training or other employment assistance,  
30 including, but not limited to, veterans, minority groups and  
31 women<sup>1</sup>.

32 c. The commissioner, in consultation with the appropriate  
33 governmental entity providing any direct or indirect State grant,  
34 guaranteed loan, tax benefit, or any other financial support to an  
35 employer, may waive the requirement provided for in subsection b.  
36 of this section if it is demonstrated, to the satisfaction of the  
37 commissioner, that the requirement of subsection b. of this section  
38 would result in a substantial loss of jobs in this State or harm the  
39 environment.

40  
41 6. Notwithstanding any provision of law, rule, or regulation to  
42 the contrary, a State department or agency, in making or awarding a  
43 contract for call center services, shall grant a preference for such  
44 contract to qualified businesses located in the State and employing  
45 residents of the State, up to the limits set forth under rules and  
46 regulations promulgated pursuant to section 8 of this act.

1       7. Nothing in this act shall be construed to permit the  
2 withholding or denial of payments, compensation, or benefits under  
3 any State law, including unemployment benefits, disability benefits,  
4 or worker retraining or readjustment benefits to workers employed  
5 by employers that relocate a call center or transfer one or more  
6 facilities or operating units of a call center to a foreign country.

7  
8       8. The commissioner shall promulgate rules and regulations,  
9 pursuant to the “Administrative Procedure Act,” P.L.1968, c.410  
10 (C.52:14B-1 et seq.) to identify qualified businesses under section 6  
11 of this act. The rules and regulations shall also set forth limits on  
12 the amount of preference that may be given to a qualified business  
13 located in the State employing residents of the State.

14  
15       9. This act shall take effect 181 days following the date of  
16 enactment, and shall apply to a relocation of a call center, or to a  
17 transfer of one or more facilities or operating units of a call center,  
18 occurring after the effective date.